

JUDGE KRAM

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: SEP 13 2007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

ERIC RIVERA RIVERA,
a/k/a "Danny,"

Defendant.

INDICTMENT

07 Cr.

07 CRIM. 87 1

COUNT ONE

The Grand Jury charges:

1. In or about December 2006, in the Southern District of New York and elsewhere, ERIC RIVERA RIVERA, a/k/a "Danny," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly, did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that ERIC RIVERA RIVERA, a/k/a "Danny," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, cocaine, in violation of Sections 812, 841(a)(1), and 841(b)(1)(C) of Title 21, United States Code.

OVERT ACTS

3. In furtherance of the conspiracy, and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about December 20, 2006, ERIC RIVERA RIVERA, a/k/a "Danny," provided approximately 70 grams of cocaine to an undercover officer.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. On or about December 20, 2006, in the Southern District of New York and elsewhere, ERIC RIVERA RIVERA, a/k/a "Danny," unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, approximately 70 grams of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C), Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION WITH RESPECT TO COUNTS ONE THROUGH TWO

5. As a result of committing one or more of the controlled substance offenses alleged in Counts One and Two of this Indictment, ERIC RIVERA RIVERA, a/k/a "Danny," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Indictment, representing the amount of proceeds obtained as a result of the narcotics offenses charged in Counts

One and Two of this Indictment.

Substitute Asset Provision

a. If any of the above-described forfeitable property, as a result of any act or omission of ERIC RIVERA RIVERA, a/k/a "Danny," the defendant:

(1) cannot be located upon the exercise of due diligence;

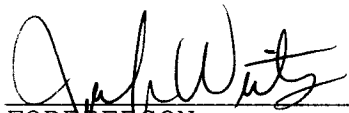
(2) has been transferred or sold to, or deposited with, a third person;

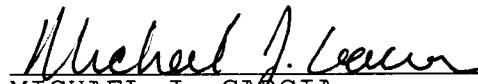
(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant, up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841 and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

- v -

**ERIC RIVERA RIVERA,
a/k/a "Danny,"**

Defendant.

INDICTMENT

07 Cr.

(Title 18, United States Code,
Section 2, Title 21, United States Code,
Sections 841(a), (b)(1)(C), and 846.)

Michael J. Garcia
United States Attorney.

A TRUE BILL



Foreperson.

Post-It 11/1/87

9/13/07 - 7th Indictment. Case
assigned to Judge Kram for
all purposes.

S. Katoan, U.S. M.G.